

# \$50,000 NOTE WORTHLESS

## Reputed Paper Revealed at Union Bank Investigation.

# FORGERY IS ALSO CHARGED

## Law Clerk for D. A. Sullivan Declines He Signed Certain Checks That Are Put in Evidence.

The large assortment of unexplained transactions that has developed in the record of the Union Bank investigation was materially augmented yesterday when the hearing was resumed before Edward L. Dodge, Deputy Superintendent of Banks, in the Kings County Courthouse, Brooklyn. James C. Crosey, who conducted the examination of witnesses, brought to light the alleged worthless note for \$50,000, which the Union Bank carried on its books up to the time it closed its doors for the last time. Numerous checks and notes, to the value of nearly \$100,000, drawn on the Atlantic branch of the Mechanics and Traders' Bank, in 1903, in the name of Francis C. Brown, a law clerk in the office of David A. Sullivan prior to the time when Mr. Sullivan went into the banking business, were repudiated by Brown on the witness stand. He testified that his name had been forged to some of the papers.

The note for \$50,000 was apparently made by the Remsen Bank and Mortgage Company to the Union Bank in December, 1907. Louis Stecher, now president of the Remsen company, testified that this note was made without the knowledge of the directors of the company, and was repudiated at a meeting of the board in October, 1908, as soon as the directors learned that such a note existed in the Union Bank. The witness forwarded a resolution adopted by the directors at that time to the Union Bank, the Union Bank disclaiming any liability on the note, he said. The company had not received a cent of valuation for the note. The signature of Henry B. Hill, president of the Remsen company at that time, appeared on the note. Mr. Stecher was then a director of the Remsen company, and Dennis W. Hyland, another director, who was a witness yesterday, did not know how this large note got into the Union Bank. No record of it ever appeared on the company's books, they said.

## Declares Details are "Hazy."

Mr. Crosey groped in the dark in regard to this transaction until he got William T. Damron on the witness stand. Damron was a former president of the Remsen company, a former president of the Home Bank of Brooklyn, a former director of the Union Bank, and a long-time associate of David A. Sullivan in business. He proved to be a sarcastic and stubborn witness, but finally offered a sort of explanation of the \$50,000 note, though he declared the details were "hazy" in his memory.

Mr. Damron said that he had no recollection of the \$50,000 note during his regime as president of the Remsen company. He had no absolute recollection, he said, that Mr. Hill was ever president of the company. Mr. Crosey showed the witness the note. He identified Mr. Hill's signature on the note, and admitted that Mr. Hill must have been president at that time.

## "To Fool Banking Department?"

"So the note was used merely to fool or enlighten the Banking Department—was that it?" asked Mr. Crosey.

"Enlighten, I should say," replied the witness.

Mr. Damron was asked to come again on Wednesday as a witness, but when he showed a disinclination to promise to do so Mr. Crosey said he would be resolute.

Francis C. Brown's testimony created quite a stir among the investigators. Mr. Crosey showed him a large batch of checks drawn on the Atlantic Bank in 1903, ranging from the hundred to several thousands of dollars, and signed in his name. Mr. Brown, who testified, looked like his own writing, but he had never had an account in the Atlantic Bank and knew nothing about the persons whose names were written on the checks. Some of the checks appeared to be in Sullivan's handwriting, but he said he had never written to W. J. Weed, Sullivan's brother-in-law, and another to Louise B. Burkhardt, Sullivan's stenographer.

"I never did, and I would not have let any one use it if I had been asked," Brown replied. "I can't give the slightest explanation of these transactions. Some one evidently protected me, for this is the first I heard of them."

## Brown said he was positive the signature "F. C. Brown" on some of the checks was not in his handwriting.

The September grand jury, which will take up the inquiry into the affairs of the Mechanics and Traders' Bank and the Union Bank, was sworn in yesterday before Judge Pike, of the Kings County Court. John F. Geis, secretary of the Brooklyn League, is foreman of the new grand jury. It is understood that the jury will take up the bank inquiry Wednesday afternoon. One witness at yesterday's hearing of the bank inquiry was handed to him as he left the witness stand.

David A. Sullivan was in court yesterday and was called upon to plead to the indictment which charges him with forgery in the third degree. He had entered a demurrer to the indictment, but it was overruled last week by Judge Pike. He pleaded "not guilty." His trial will probably be held early in October.

## DIAZ'S NEPHEW KILLED BY FALL.

Delafield, Wis., Sept. 11.—Guillermo Belden, fourteen years old, a nephew of former President Diaz of Mexico, was killed by falling from a tree to-day. With two of his brothers he came there from Monterrey, Mex., last winter to attend school.

# HELD ON BIGAMY CHARGE

## R. F. Martin Committed to the Workhouse in Delaware.

[By Telegraph to The Tribune.]  
Wilmington, Del., Sept. 11.—Robert F. Martin, a New York brick manufacturer, with an office at No. 126 Fifth avenue, was sent to the New Castle county workhouse to-night in default of \$1,000 bail. He was arraigned before Magistrate Lewis, this afternoon on a charge of bigamy, and was held for appearance at the September term of court.

His wife testified that he married Miss Mathe J. Zinn, a nurse, of Allentown, Penn. The wedding, which took place here on June 28 of last year, was verified by the Rev. Dr. George L. Wolfe, the officiating clergyman, to whom Martin said he was unmarried. Mrs. Martin also said that a divorce action had been started, and a reference made to take testimony, but she said Martin married Miss Zinn without waiting for a decision in the case.

Martin said he had no defence to offer. The maximum punishment for bigamy in Delaware is three years' imprisonment.

# BOMBS FOLLOW THREATS

## One Nearly Blinds Saloonkeeper, the Other Fails to Explode.

A dynamite bomb, capable of wrecking an ordinary East Side block, was found in the cellar of the three-story house at No. 144 First avenue yesterday. The fuse had been lighted, but evidently it went out when the bomb was dropped through a tiny hole in the cellar door. The bomb, the police said, was unmistakably designed for Frank Colarusso, who lives with his wife and six children on the second floor. He is coming to Colarusso, and early last Monday morning he and his family were blown from their beds by a bomb that exploded just outside his door. The next day Colarusso got another threatening letter, which he turned over to the police of the East 5th street station. No person was named in the letter as recipient of the \$1,000 demanded, nor was it stated whether the money was to be left with Colarusso or his cousin, "Tony" Colarusso, a wine merchant of No. 182 First avenue, had been threatened this summer and a bomb explosion had followed.

The dynamite was put in a pail of water at the police station, and Inspector Egan, of the Bureau of Combustibles, examined it carefully.

Charles Klein, a saloonkeeper at Pearl and Fletcher streets, nearly lost his eyesight when a bomb was exploded outside his premises on the first floor at No. 425 East 12th street yesterday morning at daybreak. Klein was taken to Bellevue in a serious condition.

He told the police he had been forced to sell his saloon recently because of the violence of the neighborhood. He said he was keeping house for another man. He added that he had been lured by his wife to the place, but that he had been lured by his wife to the place, but that he had been lured by his wife to the place.

# TO FIGHT FOR GRESSER

## Queens Delegation to Make Plea to Governor To-day.

Backed by a delegation numbering one hundred and fifty, Lawrence Gresser, President of the Borough of Queens, will appear in Albany at 2 o'clock this afternoon and endeavor to convince Governor Dix that Commissioner Ordway, who spent six months taking evidence on the management of affairs in Queens, was wrong in recommending the removal of Mr. Gresser from office for alleged incompetency. An anti-Gresser delegation will also appear at the hearing in support of Commissioner Ordway's recommendation.

This hearing bids fair to mark the culmination of the inquiry that began in Queens shortly after Gresser's election in the spring of 1910. Since that time ninety indictments charging grafting and other offenses against Gresser and his associates have been returned by the grand jury of Queens, and Gresser has been placed on trial on charges filed with Governor Hughes by a taxpayers' association and the Progress Club of Far Rockaway.

Among the prominent men who will appear in Albany in behalf of Gresser are William F. Wyckoff, of Jamaica; James A. Macdonald, Eastern representative for the Queens district; William H. Williams, of the Southern Railway; John W. Parla, John Adkins, Isaac C. Hubbard, Benjamin J. Lynam, the Rev. William P. Evans, Herman Ottensberger and Clinton B. Roe. Alrick H. Man, a lawyer, will present a petition, signed by at least one hundred leading men of Queens, asking for Gresser's removal from office. Other petitions containing 5,000 names will also be presented.

# OUT AGAINST SACCHARINE

## Board of Health Bars Its Use in Foodstuffs and Drinks.

Hereafter it will be a violation of the Sanitary Code of the Board of Health to use saccharine in foodstuffs and beverages. It was said at the Health department yesterday that there had been such a marked effect on the stomachs of persons who had eaten or drunk articles containing saccharine that the action of the Health department is in line with that of the division of food inspection of the Department of Agriculture, which forbids the use of saccharine in the District of Columbia after January 1.

According to reports submitted by Health department food inspectors saccharine has been found in syrups, wafers, ice cream cones and candied apples in this city. Near the East Side, where many street purveyors sell the different beverages and foodstuffs which have more or less been under suspicion.

While there will be a period of warning previous to the making of arrests, it was said at the department that the evil would be combated from now on with a view to its elimination.

The cream cones came under the ban of federal food experts a year ago. Many consignments were confiscated. "The cone habit" has assumed large proportions in New York, as well as the habit of purchasing questionable beverages. It was also said at the department that some drug stores were under suspicion, it having been shown that saccharine was used in certain formulas.

# ALIEN BACK IN KENOSHA

## Won't Discuss Mrs. Jenkins, Who Figured in Smuggling Charge.

Kenosha, Wis., Sept. 11.—Nathan Allen, the Kenosha millionaire, who was indicted in New York on a charge of smuggling jewels, refused to his brother-in-law, Mr. Allen, returned to discuss his personal affairs in any manner.

The case is not known except to Allen, who also declined to make any statement regarding Mrs. Jenkins, who figured in the alleged smuggling.

"BOMB NO WEAPON"—COSTABLE.  
Argument will be heard to-morrow in General Sessions by Judge Foster on a demurrer filed yesterday to the indictment against Giuseppe Costabile, the so-called king of the Black Hand, who had a bomb in his possession when arrested September 5 and who was indicted under the Sullivan law for the same offense.

# PISTOL LAW UNDER FIRE

## Unconstitutional, Declares Pawnbroker's Counsel in Court.

# FIRST TEST CASE IS HEARD

## Decision Reserved—Meanwhile Man Who Fired Revolver in Street Is Discharged.

The first legal attack on the new Sullivan law relating to the carrying and possession of weapons was made yesterday in the Supreme Court, where Ivan Prince, a pawnbroker who was before Justice Gagegan on a writ of habeas corpus. Prince was arrested for having five pistols displayed in his shop window, and he wanted to be discharged from custody because, he maintained, the new law was unconstitutional.

The proceeding was really in the nature of a test case brought by the Pawnbrokers' Association. The Sullivan law compels all persons selling firearms to keep a record of all such sales and restricts them in the selling to carry arms. Robert S. Johnstone, Assistant District Attorney, argued in favor of the law, saying that it was entirely within the constitution of the state. Michael J. Sweeney, counsel for the Pawnbrokers' Association, who appeared for Prince, said that the law was contrary to the state constitution in that it placed a penalty on persons who carried a revolver legally obtained, the new act being a retroactive law in this respect. Mr. Johnstone insisted that it was not the mere possession that made such a person amenable to the law; it was his failure to get a license to have it.

Mr. Sweeney argued further that the law was unconstitutional in that it prevented the carrying out of a legal contract. He said that pawnbrokers would be liable for having in their possession weapons left with them as pledges. He held that the law intended to penalize the private possession of firearms, but did not mean to require pawnbrokers to be licensed.

Justice Gagegan reserved decision, paroling Prince in the custody of his counsel until he decides the case.

Magistrate Butts, in the Morrisania court, discharged from custody yesterday Emilio Tiganaro, of No. 231 1st street, Brooklyn, who was arrested on Friday night under the Sullivan law for discharging a revolver in the street. In dismissing the complaint against Tiganaro the magistrate said:

## In construing an act of the Legislature which permits to carry and possess a revolver, it is the duty of the court to ascertain the intent of the Legislature.

He told the police he had been forced to sell his saloon recently because of the violence of the neighborhood. He said he was keeping house for another man. He added that he had been lured by his wife to the place, but that he had been lured by his wife to the place, but that he had been lured by his wife to the place.

# INSURANCE FOR ALIMONY

## Court Reserves Decision on Novel Point in Law.

Whether a defendant in a divorce suit may pay alimony by selling his life insurance policy or borrowing money on it is a question which Vice-Chancellor Howell reserved decision in Jersey City yesterday. Permission to raise money on a \$1,000 policy was asked by John Martino, of Hoboken, a haberdasher, whose wife is suing for divorce.

Mrs. Martino's lawyer objected that should Martino die before the suit shall be ended Mrs. Martino would be entitled to the proceeds of the policy, but would have no security if the policy were borrowed.

The added that the husband had given her policy for \$300 on his life to Mrs. Martino and was pressed for money. If this application should be denied, he said the allowance of \$11 a week Martino is paying to his wife for the support of herself and their two daughters ought to be reduced.

# MARDI GRAS FESTIVAL ON

## Coney Island's Jubilee Attracts 300,000 at Opening.

Coney Island's week of jubilee opened last night, and three hundred thousand men, women and children battled up and down Surf avenue as they have been wont to do since the idea of the fall festival and Mardi Gras originated. It was a good natured bunch of humanity, not so much because there were eight hundred "cops" on hand as because of the fact that, as a rule, New York crowds are not so much being decent when innocent fun is not tabooed.

Until midnight only about a dozen had been found so unruly as to require police escort to the station. This beats the record for affairs of the kind. Furthermore, the history of some of the celebrations was not repeated in having floats take fire and throw the crowds into a panic. To-night, however, the crowd was so unruly that the police were called out.

Three fire-fighters were at each hydrant along Surf avenue, and each hydrant had two hundred feet of hose attached, ready for action.

Joe H. Baron received the crown and royal vestments of king, while his wife, who wears the crown, was crowned by the queen's scepter. George C. Tilly, who runs the palace of fun known as Steeplechase Park, did the "coronation stunts."

# WIFE GONE; SUES FOR \$50,000.

Benjamin F. Jackson, a real estate dealer, of No. 123 Simpson street, The Bronx, is defendant in a suit brought by Thomas F. Leheny for \$50,000 for alleged alienation of the affections of the latter's wife, Mrs. Leheny. Mrs. Leheny was married in 1905. Two years later the wife went to live with her mother, taking her young son with her. According to the husband, Jackson met Mrs. Leheny about two years after she went to live with her mother.

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# SOUGHT FREEDOM, GOES TO JAIL.

John Hall, who tried to escape from General Sessions July 27 last while awaiting arraignment on the charge of assaulting the bartender of an Eleventh avenue saloon, was sentenced by Judge Foster yesterday to two years and six months in state prison.

The sentence was imposed for the attempted escape, which Hall pleaded guilty to, this being a felony under the law, and not for the original charge, the indictment for which had been dismissed a few days ago.

Hall had been in the hospital recovering from the bullet wound in his hip received when he slid down the rope of a painter's scaffold on the Bridge of Sighs and tried to elude the detective pursuing him.

# TICKET CHOPPER GOES TO JAIL.

William R. Ford, who said he was a university graduate, a member of the bar at one time in Tennessee, and later a lieutenant in the United States army, pleaded guilty yesterday to the charge of operating a ticket chopper in the subway and was sentenced yesterday in Special Sessions to serve eleven months and twenty-nine days in the penitentiary and to pay a fine of \$500 or to serve an extra day for each dollar unpaid. Ford had been convicted of larceny and had served time before.

# GOVERNORS MEET TO-DAY

## Harmon Comes with Vice-Presidential Boom for Foss.

# APPROVES ANTI-TRUST LAW

## Chief Executives of 35 States Will Confer on Live Issues, at Wilson's Invitation.

[By Telegraph to The Tribune.]  
Spring Lake, N. J., Sept. 11.—Fifteen of the thirty-five state Governors who are to take part in the annual Governors' conference to be held this year at the New Monmouth Hotel to-morrow arrived here this afternoon, among them Judson Harmon of Ohio. Governor Harmon balked at questions concerning his reported candidacy for President of the Democratic ticket, because, he said, he had come to Spring Lake merely to seek knowledge which he hoped would help him as Governor of Ohio.

Governor Harmon said he had received a great reception in New England and had heard the names of Governors Foss of Massachusetts and Baldwin of Connecticut mentioned as likely candidates for the Democratic nomination for Vice-President. Governor Foss, he said, seemed to have the support of the people of the New England States.

As to government regulation of trusts, he said: "You can't force men to compete, but you can prevent them from getting in a back room and making arrangements not to compete." He thought the Sherman anti-trust law a good act.

The convention will be called to order at 10:30 o'clock to-morrow morning. A special car attached to a Pennsylvania flyer brought eight of the fifteen Governors here from the West at 6 o'clock. Governor John F. Shafroth of Colorado and Mrs. Shafroth were not aboard. Governor McGovern of Wisconsin and others said they left Chicago on Thursday, but were stopping en route and would reach here to-morrow.

Governor Martin E. Hay of Washington was the first of the delegates to reach Spring Lake. An hour or so later Governor William W. Kilbuck of North Carolina arrived. While the committee was welcoming the Western Governors, Governor Harmon, accompanied by Mrs. Harmon, drove to the hotel in a hired hack. They had trailed the special car and unexpectedly reached Spring Lake soon after dark.

Governor Martin E. Hay of Washington at once began to praise the utility laws of his state. "Why," he said, "the railroads of our state would not do without a Public Utilities Commission, and this in spite of the fact that the commission has reduced in the last year the freight rates on grain 12½ per cent and on general distances 10 per cent. They don't have to maintain a lobby at the Legislature," he continued.

He went on to say that the commission had done right to the commission for an hour or so. Governor Harmon said that President Taft was going greatly in Washington State.

Other Governors who reached Spring Lake to-night are Emmet O'Neal of Alabama, Albert W. Gilchrist of Florida, Augustus E. Wilson of Kentucky, Edwin L. Norris of Montana, Chester H. Aldrich of Nebraska, John Burke of North Dakota, Lee C. Bruce of Oklahoma, Robert S. Vessey of South Dakota, William H. Mann of Virginia and Aram J. Forbier of Rhode Island.

# HUNTING GIRL'S SLAYER

## Miss Hawkins Chloroformed, Killed and Thrown in Lake.

Asheville, N. C., Sept. 11.—It is now believed that Miss Myrtle Hawkins, whose body was found in Ocoee Lake, near Hendersonville, on Sunday, was brutally murdered, and suspicion is being directed against a man whose trail is being hotly followed. The suicide theory has been abandoned.

Indications are that the girl was murdered, but not robbed or assaulted. The condition of the body shows that life was extinct when placed in the water, and that the victim was chloroformed.

It is said that opposition existed to Myrtle's approaching marriage to a young business man of Johnson City, Tenn. Believing she may have been killed by her lover, a search was made when she disappeared, last Thursday, on this theory, without asking the permission of the authorities.

The town of Hendersonville is stirred as never before on account of Miss Hawkins' death, and precautions are being taken to prevent any further tragedy should an arrest be made soon.

# MASKED MEN IN HOLD-UP

## Beat and Rob Railroad Superintendent Near Newburg, N. Y.

[By Telegraph to The Tribune.]  
Newburg, N. Y., Sept. 11.—Joseph Glass, an Ontario and Western Railroad superintendent, was held up by two masked men and robbed of \$40 and his personal jewelry soon after 8 o'clock this evening while on the tracks of the West Shore Railroad a short distance north of Plum Point, where he was boarding.

Before robbing him the highwaymen set upon Mr. Glass and beat him helpless with a club or other blunt instrument, inflicting serious wounds about the head. He resisted the hold-up to the Aqueduct police at Cornwall and an alarm was sent out. All trains are being searched and mounted police are patrolling the country.

Mr. Glass says the men were Italians. Mr. Glass had left his boarding house to make a visit to Newburg, walking up the railroad tracks three or more miles. It was soon after leaving his home that the hold-up occurred.

# DARING BANK ROBBERS

## Two Hold Up Eight Men, Get \$1,500 and Lock Officers in Vault.

Cokeville, Wyo., Sept. 11.—The Cokeville National Bank was entered by two masked men this afternoon and eight men who were in the bank at the time were lined up along the wall and searched.

The robbers secured about \$1,500 in money, locked the officers of the bank in the vault and escaped.

The robbery is attributed to Hugh Whitney, of Idaho, and his brother. It is claimed that the Whitneys have been seen near Cokeville lately, and they were charged with the theft of a band of horses a few days ago. A hold-up of some character has been more than half expected, and the banks have kept most of their funds in the vault.

Hugh Whitney has not been heard from definitely since he outran and outmaneuvered two hundred police men taken to jail last night. He was pursued for the murder of a conductor named Field on a train near Blackfoot, and had been carried off by a band of desperadoes.

In the saddle day and night for almost a week with only a meal or two, he reached the mountains near the Idaho-Wyoming line, and the chase was given up.

# ROBBED ON PULLMAN CAR

## Wife of Gov.-Elect Brewer of Mississippi Loses \$7,500 Worth of Jewelry.

[By Telegraph to The Tribune.]  
Pulmon, Ky., Sept. 11.—Family heirlooms of Mrs. Earl Brewer, wife of the Governor-elect of Mississippi, here last night, according to charges formally presented to-day by Mr. Brewer through his attorney, were taken from her in a Pullman car.

Mrs. Brewer was en route to Clarksville, Miss., from Chicago, Ill., carried by the Pullman car. The jewelry, which disappeared when three men who had been on the car were put off after engaging in a rough and tumble fight.

# MARINE INTELLIGENCE.

## MINIATURE ALMANAC.

Sunrise, 5:27; sunset, 6:16; moon rises, 8:23; moon sets, 10:15.

## HIGH WATER.

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